

## APPENDIX - I

### STANDSTILL AGREEMENT WITH INDIA AND PAKISTAN, AUGUST 12 1947

*Identical telegrams were sent by the Prime Minister of Kashmir to Dominions of India and Pakistan on August 12 1947. The text is as follows:*

“Jammu and Kashmir Government would welcome Standstill Agreements with India (Pakistan) on all matters in which these exist at present moment with outgoing British India Government. It is suggested that existing arrangements should continue pending settlement of details.

*Reply from Government of Pakistan sent on August 15 1947.*

“Your telegram of the 12th. The Government of Pakistan agree to have a Standstill Agreement and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution.

*Reply from Government of India:*

“Government of India would be glad if you or some other Minister duly authorised in this behalf could fly to Delhi for negotiating Standstill Agreement between Kashmir Government and India dominion. Early action desirable to maintain intact existing agreements and administrative arrangements.”

The representative of Kashmir did not visit Delhi and no Standstill Agreement was concluded between the State and the Dominion of India.

## APPENDIX - II

### INSTRUMENT OF ACCESSION, OCTOBER 27, 1947

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omission, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted, by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now, therefore, I, Shri man Inder Mahander Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu and Kashmir Naresh Tatha Tibbet Adi Deshahipathi, Ruler of Jammu and Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession; and

1. I, hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and an other Dominion "authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as "the Act").
2. I, hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my instrument of Accession.
3. I, accept the matters specified in the scheduled here to as the matters with respect to which the Dominion Legislature may make laws for this State.
4. I, hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall

be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.,

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by instrument supplementary to this Instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief justice of India.
7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangement with the Government of India under any such future Constitution.
8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this save as provided by or under this Instrument, the exercise of any powers, authority and rights enjoyed by me as Ruler of this State or the validity of any law at present in force this State.
9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty-seven.

Hari Singh, Maharajadhiraj of Jammu and Kashmir State.

*Acceptance of Accession by the Governor-General of India.*

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma, Governor-General of India.

## APPENDIX - III

### UNCIP RESOLUTION OF JANUARY 5, 1949

The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communications dated December 23 and December 25, 1948 respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of August 13, 1948.

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite
2. A plebiscite will be held when it shall be found by the Commission that the cease fire and truce arrangements set forth in Parts I and II of the Commission's resolution of August 13, 1948, have been carried out and arrangements for the plebiscite have been completed.
3. a) The Secretary General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administration who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.  
b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organising and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite;  
c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.
4. a) After implementation of Parts I and II of the Commission's resolution of August 13, 1948 and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the

Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite,

- b) As regards the territory referred to in A-2 of Part II of the resolution of August 13, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities
5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.
  6. a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominee of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect;
    - b) All persons (other than citizens of the State) who on or since August 15, 1947 have entered it for other than lawful purpose, shall be required to leave the State.
  7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:
    - a) There is no threat, coercion or intimidation, bribery or other undue influence on the votes in the plebiscite;
    - b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of

the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

- c) All political prisoners are released;
  - d) Minorities in all parts of the State are accorded adequate protection; and
  - e) There is no victimization.
8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.
9. At the conclusion of the plebiscite the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial.
10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of August 13, 1948. The Plebiscite Administrator will be fully associated in these consultations.

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire take effect from one minute before midnight of January 1, 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of August 13, 1948. Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of August 13, 1948 and by the foregoing principles.

## APPENDIX - IV

### TASHKENT DECLARATION - 10 JANUARY 1966

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare to restore normal and peaceful relations between their countries and to promote and friendly relations between their peoples. They consider the attainment of these of vital importance for the welfare of the 600 million people of India and Pakistan.

- I. The Prime Minister of India and the President of Pakistan have agreed that both side will exert all efforts to create good-neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their / under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pak Subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.
- II. The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than February 25 1966, to the position they held prior to August 5, 1965, and both sides shall observe the cease-fire terms on the cease fire line.
- III. The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.
- IV. The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encouraged propaganda which promotes the development of friendly relations between the two countries.
- V. The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on diplomatic intercourse.

- VI. The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.
- VII. The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.
- VIII. The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides would create conditions, which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.
- IX. The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognised the need to set up joint India-Pakistani bodies, which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality. They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

*Prime Minister of India*  
Lal Bahadur Shastri  
Tashkent, January 10, 1966

*President of Pakistan*  
Mohammed Ayub Khan

## APPENDIX -V

### SIMLA AGREEMENT, 1972

#### AGREEMENT ON BILATERAL RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.  
In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:
  - (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
  - (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
  - (iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each others internal affairs, on the basis of equality and mutual benefit;
  - (iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
  - (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereignty equality; -
  - (vi) That in accordance with the Charter of the United Nations they will refrain from threat or use of force against the territorial integrity or political independence of each other.
2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalise relations between the two countries step by step, it was agreed that:
  - (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.
  - (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
  - (iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible
  - (iv) Exchange in the fields of science and culture will be promoted. In this connection delegations from the two countries will meet from time to time to work out the necessary details.
4. In order to initiate the process of the establishment of durable peace, both the Government agree that:
  - (i) Indian and Pakistani forces shall be withdrawn to their side of the international border.
  - (ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line.
  - (iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.
5. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.
6. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

(Indira Gandhi)  
 Prime Minister  
 Republic of India  
 Simla, the 2nd July 1972

(Zulfikar Ali Bhutto)  
 President  
 Islamic Republic of Pakistan

## APPENDIX - VI

### SAARC CHARTER

Salient features of the charter of South Asian Association for Regional Co-operation adopted on December 8 at Dhaka.

1. Desirous of promoting peace, stability, amity and progress in the region through strict adherence to the principles of the United Nations Charter and Non-Alignment, particularly respect for the principle for sovereign equality, territorial integrity, national independence, non-use of force and non-interference in the internal affairs of other states and peaceful settlement of all disputes.
2. Conscious that in an increasingly interdependent world, the objective of peace, freedom, social justice and economic prosperity are best achieved by fostering mutual understanding, good neighbourly relations and meaningful cooperation among the countries of South Asia which are bound by ties of history and culture.
3. Aware of the common problems, interests and aspirations of the people of South Asia and the need for joint action and enhanced cooperation within their respective political and economic systems and cultural traditions.
4. Convinced that regional cooperation among the countries of the South Asia is mutually beneficial, desirable and necessary for promoting the welfare and improving the quality of the life of the peoples of the region.
5. Convinced further that economic, social and technical cooperation among the countries of South Asia would contribute significantly to the national and collective self-reliance.
6. Recognised that increased cooperation, contacts and exchanges among the countries of the region will contribute to the promotion of friendship and understanding among their people.
7. Recalling the declaration signed by their foreign ministers in New Delhi on August 2, 1983 and noting the progress achieved in regional cooperation.
8. Reaffirming the determination to promote such cooperation within an institutional framework.

Do hereby agree to establish an organisation to be known as South Asian Association for Regional co-operation, herein after referred to as the Association with the following objectives - principles, institutional and financial arrangements.

**Article 1**

1. The objectives of the Association shall be:
  - a) to promote the welfare of the people of South Asia and to improve their quality of life.
  - b) to accelerate economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realise their full potentials.
  - c) to promote and strengthen collective self reliance among the countries of South Asia.

**Article 2****Principles**

1. Co-operation within the framework of the Association be based on respect for the principles of Sovereign equality, territorial integrity, political independence, non-interference in internal affairs of other states and mutual benefit.

**Article III****Meeting of the Heads of State or Government.**

1. The Heads of State or Government shall meet annually.

**Article IV****Council of Ministers**

1. A Council of Ministers consisting of the Foreign Ministers of the members states shall be established with the following functions:
  - a) formulation of the policies of the Association.
  - b) review the progress of cooperation under the association; and,
  - c) decision on new areas of cooperation.

**Article V****Standing Committee**

1. The standing committee comprising the Foreign Secretaries shall have the following functions:
  - a) overall monitoring and co-ordination of programme of cooperation;
  - b) approval of projects and programmes and the modalities of their financing;
  - c) determination of inter-sectoral priorities;

- d) mobilisation of regional and external resources; and
- e) identification of new areas of cooperation based on appropriate studies.

## **Article VI**

### **Technical Committees**

1. Technical committees comprising representative of all member- states shall be responsible for the implementation, coordination and monitoring of the programme in their respective areas of cooperation.

## **Article VII**

### **Action Committees**

The standing committee may set up action committees comprising members of states concerned for implementation of projects involving more than two but not all member states.

## **Article VIII**

### **Secretariat**

1. The Council of ministers shall consider, at an appropriate time, the establishment of a secretariat for the Association and its organisation, functions and founding modalities.

## **Article IX**

### **Financial Arrangements:**

1. The contribution of each member state towards financing of the activities of the Association shall be voluntary.
2. Each technical committee shall make recommendation for the appointment of costs of implementing the programmes prosed by it.
3. In case sufficient financial resources cannot be mobilised within the region for funding activities of the Association, external financing from appropriate sources may be mobilised with the approval of or by the standing committee.

## **Article X**

### **General Provisions**

1. Decisions at activities shall be taken on the basis of unanimity.
2. Bilateral and contentions issues shall be excluded from the deliberations.

Source: *Indian Express*, New Delhi, 9 December 1985.

## APPENDIX - VII

### THE DHAKA DECLARATION

Following is the text of the declaration adopted at the First annual Summit of South- Asian nation at Dhaka in December 1985.

The Bangladesh President, The King of Bhutan, the Prime Minister of India, the Maldives President, the king of Nepal, the Pakistan President and the Sri Lankan President met in Dhaka on December 7 and 8.

They understood their historic significance of their first ever South Asian Summit Meeting. They considered it to be a tangible manifestation of their determination to co-operate regionally, to work together for finding solution towards their common problems in a spirit of friendship, trust and mutual understanding and to the creation of an order based on mutual respect, equity and shared benefits.

They recognised that periodic meetings at the level were central to the promotion of mutual trust, confidence and cooperation among the countries. The Heads of State and government reaffirmed that their fundamental goal was to accelerate the process of economic and social development in their respective countries through the optimum utilisation of their human and material resources, so as to promote the welfare and prosperity of their people and improve their quality of life. They were conscious that peace and security was an essential pre-requisite for the realisation of this objective.

The leaders of the South Asian countries reaffirmed their commitment to the UN Charter and principles governing the sovereign equality of states, peaceful settlement of disputes, non-interference in internal affairs and non-use or threat of use of force against the territorial integrity and political independence of other states. They reiterated that the UN constituted the most important forum for the resolution of all issues affecting international peace and security.

#### **Formidable Challenges**

They also reaffirmed their deep conviction in the continuing validity and relevance of the Objectives of the Non- Aligned movement as an important force in international relations. The Heads of States and Government acknowledged that the countries of South Asia, who constituted one-fifth of humanity, were forced with the formidable challenges of poverty, economic backwardness, low level of production unemployment and pressure of population compounded by the part and other adverse legacies.

They felt that, bound as their countries were by many common values rooted in their social, ethnic, cultural and historical traditions regional cooperation provided a logical response to these problems. They were conscious of their individual and regional strengths, their potential as a huge market, their substantial human and natural resources and the complementarities of their economies. They were confident that the effective regional cooperation, they could make optimum use of these capacities in the benefit of their peoples, accelerate the pace of their economic development and enhance their national collective self-reliance.

They were convinced that their countries, which had made important contribution to the enrichment of human civilization could together play their due role in international relations and influence decisions when affected them. They emphasized that strengthening regional cooperation in South Asia required greater involvement of their peoples. They agreed to increase interaction at various levels among their countries. To this end, they decided to take steps to create awareness and public opinion in the region.

The Head of state and government welcomed the progress already made in the implementation of the integrated programme of action in the mutually agreed areas. They expressed their desire to consolidate and further expand cooperative efforts when an appropriate institutional framework in a spirit of partnership and equality. The leaders were convinced that they could effectively pursue their individual and collective objectives and improve the quality of life of their people only in an atmosphere of peace and security. In this context, they expressed concern at the deteriorating international political situation. They were alarmed at the unprecedented escalation of arms race particularly in its nuclear aspect.

### **Threat of Self - Extinction**

They recognised that mankind today was confronted with the threat of self-extinction arising from a massive accumulation of the most destructive weapons ever produced. The arms race intensified international tensions and violated the principles of the UN Charter. The leaders called upon the nuclear weapon states for urgent negotiations for a Comprehensive Test Ban Treaty leading to the complete cessations of testing, production and development of nuclear weapons. In this connection, they welcomed the recent meeting between the US President, Mr. Ronald Reagan and the Soviet Leader, Mr. Mikhail Gorbachev in Geneva and expressed the hope that the meeting would have a positive effect on international peace and security.

The Heads of state and government expressed deep concern at the continuing crisis in the global economy. They underscored that deterioration economic and social conditions had seriously retarded development prospects in South Asia and other developing countries, Sharply falling commodity prices, deterioration measures spiralling debt burden and a decline in the flow of external resources, especially concessional assistance, had caused serious set back to the economic development of developing countries. These had been compounded by natural disasters and precarious world for security situation affecting developing countries.

They expressed concern over the diminishing capacity of international financial and technical institutions to respond effectively to the needs of the disadvantaged and poorer countries and regretted that the spirit of multi-lateral cooperation had begun to flatter and weaken. This was particularly disturbing in the face of increased inter-dependence of developed and developing countries and the fact that economic revival of the North was closely linked to the economic progress in the past decades had clearly demonstrated the structural imbalances and inequalities inherent in the existing international economic system and its inadequacy to deal with problem of development. The leaders strongly urged that the determined efforts should be made by the international community towards realisation of the goals and the targets of the international development strategy as well as the substantial new programme of action for the least developed countries. They called for urgent resumption of the North-South dialogue and early convening of an international conference on money and finance for development with universal participation.

### **Historic Importance**

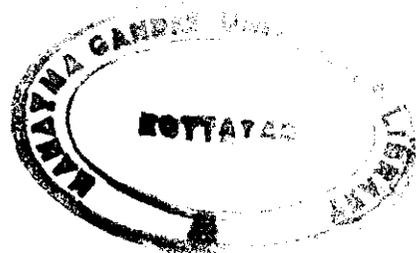
They were conscious of the historic importance of the Dhaka Summit and reiterated their conviction that the launching of the South Asian Association of Regional Co-operation (SAARC) countries which they had established at this meeting would place regional cooperation on a firm foundation, play an important role in accelerating the pace of economic and social development of their countries, promote the objectives of individual and collective self-reliance and further the cause of peace, progress and stability in their region and the world.

Source: *Indian Express*, New Delhi, 9 December 1985.

## APPENDIX - VIII

### PROPOSALS FOR NORMALISING RELATIONS AND CONFIDENCE-BUILDING MEASURES SENT BY PAKISTAN, JANUARY 18, 1994

- I. **Modalities for the Holding of a Plebiscite in Jammu and Kashmir**
  1. During the seventh round of Foreign Secretary-level talks, Pakistan reiterated its principled position that the "core" problem of Jammu and Kashmir must be resolved on the basis of the relevant resolutions of the UN Security Council and in the spirit of the Simla Agreement.
  2. UN Security Council Resolutions No. 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and United Nations Commission for India and Pakistan resolution of 13 August 1948 and 5 January 1949, embodied the principle that the final disposition of the state of Jammu and Kashmir to India or Pakistan will be made through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.
  3. The United Nations Commission for India and Pakistan (UNCIP) resolution adopted on 13 August 1948 stated that "the governments of India and Pakistan reaffirmed their wish that the future status of the state of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both governments agree to enter into consultations with the Commission (UNCIP) to determine the fair and equitable conditions whereby such free expression will be assured". The second UNCIP resolution, adopted on 5 January, 1949, reiterated that the "question of the accession, of the state of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."
  4. Both India and Pakistan had accepted the UN Security Council resolutions and the UNCIP proposals regarding a ceasefire, troop withdrawal and a plebiscite.



5. Despite various obstacles to the holding of a free and impartial plebiscite, the UN Security Council continued its efforts to resolve the issue. Subsequent resolutions of the Security Council, the reports of the UNCIP and the proposals of various United Nations representatives including Mr. McNaughton, Mr. Dixon, Dr. Frank Graham and Mr. Jarring, envisaged various possible modalities for the holding of a UN-supervised plebiscite in Jammu and Kashmir.
6. UN Security Council resolution 91 (1951) of 30 March 1951 and resolution 127 (1957) of 24 January 1957 affirmed that no unilateral action, such as the so-called "Constituent Assembly" created by India, would constitute a disposition of the state of Jammu and Kashmir in accordance with the principle of final determination by a reference to the freely expressed wishes of its people through a plebiscite held under UN supervision.
7. The above resolutions provide the basis for a peaceful resolution of Jammu and Kashmir dispute.
8. Pakistan proposes that in the next round of talks between the two countries consideration may be given to reaching agreement on the modalities for the holding of a free and impartial plebiscite in accordance with the above-mentioned resolutions of the UN Security Council.
9. These discussions could take up consideration of the various options for the conduct of a plebiscite proposed or discussed previously. New and innovative approaches to the conduct of a free and fair plebiscite could also be examined.
10. Mutual troop reductions, measures to ease tension along the LOC and arrangements for neutral monitoring of movements of persons and goods across the LOC might also be discussed.
11. In the discussions of these modalities for the holding of a plebiscite, the two sides would greatly benefit from the good offices or mediatory participation of the UN Secretary-General or his representative or of any other third party mutually acceptable to Pakistan and India.

12. Pakistan will await India's response to the above-mentioned proposals, which should constitute the basis of future talks between the two countries to resolve the Jammu and Kashmir dispute.

## **II. Measures Required to Create a Propitious Climate for Peaceful Resolution of the Jammu and Kashmir Dispute and Other Issues**

1. India and Pakistan have acknowledged that Jammu and Kashmir is the central issue, which bedevils their relations. Both countries are committed under the UN Charter, the resolutions of the Security Council and the Simla Agreement to promote a peaceful solution of the Jammu and Kashmir dispute.
2. The Government of Pakistan believes that the repression by nearly 500,000 Indian military and paramilitary forces in India-held Kashmir militates against the stated commitments of the Indian government to seek a peaceful solution of the Jammu and Kashmir dispute. India's actions in Jammu and Kashmir are also violative of the UN Charter, the international human rights standards and of the humanitarian norms; applicable in armed conflicts.
3. The continuation of repression in Jammu and Kashmir contravenes the spirit of the announcement by the Indian and Pakistan Governments on 24 November 1993 on the resumption of Foreign Secretary-level talks. Regrettably immediately after the announcement, India escalated its campaign of repression in Jammu and Kashmir.
4. During the Seventh round of Foreign Secretary-level talks in Islamabad (January 1-3, 1994) Pakistan expressed its view that this continuing repression is vitiating the climate for the talks and adversely affecting the prospects of peaceful resolution of the Jammu and Kashmir dispute. Pakistan urged India to take steps to reduce the repression and to bring to an end the violations of human rights against the people of India-held Kashmir. Pakistan had indicated that India should take the following measures:

- (a) withdrawal of additional forces deployed in Jammu and Kashmir since January 1990;
  - (b) removal of military bunkers, watch towers and other symbols of the military and paramilitary presence in Kashmiri towns and villages and specially the bunkers outside and around the Hazratbal Mosque;
  - (c) withdrawal of Terrorist and Disruptive Activities Act (TADA) and other draconian laws;
  - (d) end of arbitrary arrests and detention of Kashmiris, torture, custodial murders, rape and arson by Indian security forces;
  - (e) release of Kashmiri political, religious and militant leaders;
  - (f) unhindered and unrestricted access to Jammu and Kashmir by representatives of international human rights bodies such as Amnesty International, Asia Watch, Physicians for Human Rights, the International Federation of Human Rights (FIDH), the International Commission of Jurists, the Congressional Human Rights Foundation, etc. as well as international humanitarian organisation such as the ICRC;
  - (g) unlimited access to IHK for the media, especially the electronic media and
  - (h) removal of all restrictions on Kashmiris to travel out of India and to return to IHK.
5. To facilitate the continuation of a meaningful dialogue, Pakistan considers it essential that India should take the above-mentioned measures with a view to reducing repression and bringing to an end human rights violations in Jammu and Kashmir.
6. We look forward to an early and positive response from India on this issue.

## APPENDIX - IX

### THE LAHORE DECLARATION, FEBRUARY 21, 1999

The following is the text of the Lahore Declaration:

- ❖ The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:
- ❖ Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;
- ❖ Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;
- ❖ Recognizing that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;
- ❖ Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;
- ❖ Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;
- ❖ Committed to the objective of universal nuclear disarmament and non-proliferation;
- ❖ Convinced of the importance of mutually agreed confidence building measures for improving the security environment;
- ❖ Recalling their agreement of 23rd September, 1998, that an environment of peace and security is in the supreme national interests of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose; have agreed that their respective Governments.
  - shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.
  - shall refrain from intervention and interference in each other's internal affairs.
  - shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.

- shall take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.
- reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.
- reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.
- shall promote and protect all human rights and fundamental freedoms.

Signed at Lahore on the 21st day of February 1999.

Atal Behari Vajpayee

Prime Minister of the Republic of India

### **Joint Statement**

The following is the text of the Joint Statement issued at the end of the Prime Minister, Mr A B Vajpayee's visit to Lahore:

1. In response to an invitation by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, the Prime Minister of India, Shri Atal Behari Vajpayee, visited Pakistan from 20-21 February 1999, on the inaugural run of the Delhi-Lahore bus service.
2. The Prime Minister of Pakistan received the Indian Prime Minister at the Wagah border on 20th February 1999. A banquet in honour of the Indian Prime Minister and his delegation was hosted by the Prime Minister of Pakistan at Lahore Fort, on the same evening. Prime Minister, Atal Behari Vajpayee, visited Minar-e-Pakistan, Mausoleum of Allama Iqbal, Gurudawara Dera Sahib and Samadhi of Maharaja Ranjeet Singh. On 21st February, a civic reception was held in honour of the visiting Prime Minister at the Governor's House.

3. The two leaders held discussions on the entire range of bilateral relations, regional cooperation within SAARC, and issues of international concern. They decided that:
  - (a) The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues.
  - (b) The two sides shall undertake consultations on WTO related issues with a view to coordinating their respective positions.
  - (c) The two sides shall determine areas of cooperation in Information Technology, in particular for tackling the problems of Y2K.
  - (d) The two sides will hold consultations with a view to further liberalizing the visa and travel regime.
  - (e) The two sides shall appoint a two-member committee at ministerial level to examine humanitarian issues relating to Civilian detainees and missing POWs.
4. They expressed satisfaction on the commencement of a Bus Service between Lahore and New Delhi, the release of fishermen and civilian detainees and the renewal of contacts in the field of sports.
5. Pursuant to the directive given by the two Prime Ministers, the Foreign Secretaries of Pakistan and India signed a Memorandum of Understanding on 21st February 1999, identifying measures aimed at promoting an environment of peace and security between the two countries.
6. The two Prime Ministers signed the Lahore Declaration embodying their shared vision of peace and stability between their countries and of progress and prosperity for their peoples.
7. Prime Minister, Atal Behari Vajpayee extended an invitation to Prime Minister, Muhammad Nawaz Sharif, to visit India on mutually convenient dates.
8. Prime Minister, Atal Behari Vajpayee, thanked Prime Minister, Muhammad Nawaz Sharif, for the warm welcome and gracious hospitality extended to him and members of his delegation and for the excellent arrangements made for his visit.

Lahore, February 21, 1999.

### **Memorandum of Understanding**

The following is the text of the Memorandum of Understanding signed by the Foreign Secretary, Mr K. Raghunath, and the Pakistan Foreign Secretary, Mr. Shamshad Ahmad, in Lahore on Sunday:

Reaffirming the continued commitment of their respective governments to the principles and purpose of the UN Charter;

Reiterating the determination of both countries to implementing the Shimla Agreement in letter and spirit;

Guided by the agreement between their Prime Ministers of 23rd September 1998 that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Pursuant to the directive given by their respective Prime Ministers in Lahore, to adopt measures for promoting a stable environment of peace, and security between the two countries;

#### **Have on this day, agreed to the following:**

1. The two sides shall engage in bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.
2. The two sides undertake to provide each other with advance notification in respect of ballistic missile flight tests, and shall conclude a bilateral agreement in this regard.
3. The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorised use of nuclear weapons under their respective control. The two sides further undertake to notify each, other immediately in the event of any accidental, unauthorised or unexplained incident that could create the risk of a fallout with adverse consequences for both sides, or an outbreak of a nuclear war between the two countries, as well as to adopt measures aimed at diminishing the possibility of such actions, or such incidents being misinterpreted by the other. The two side shall identify/establish the appropriate communication mechanism for this purpose.

4. The two sides shall continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardized its supreme interests.
5. The two sides shall conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.
6. The two sides shall periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.
7. The two sides shall undertake a review of the existing communication links (eg. between the respective Directors-General, Military Operations) with a view to upgrading and improving these links, and to provide for fail-safe and secure communications.
8. The two sides shall engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Where required, the technical details of the above measures will be worked out by experts of the two sides in meetings to be held on mutually agreed dates, before mid 1999, with a view to reaching bilateral agreements.

Done at Lahore on 21st February 1999 in the presence of Prime Minister of India, Mr. Atal Behari Vajpayee, and Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif.

(K Raghunath)

Foreign Secretary of the  
Republic of India

(Shamshad Ahmad)

Foreign Secretary of the  
Islamic Republic of Pakistan